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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,367	09/15/2003	Michael Spratling	16239-0102 (44795-292418)	1634
23370	7590	11/19/2004	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			CHAN, SING P	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,367

Applicant(s)

SPRATLING, MICHAEL

Examiner

Sing P Chan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 45-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 45-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-25 and 45-58 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Braithwaite, Jr. (U.S. 4,370,174).

Regarding claims 21 and 45, Braithwaite, Jr. a method of removing a floor covering adhesive material. The method includes applying an emulsion cleaner, which comprising an organic solvent with aliphatic hydrocarbons such as amino or alkaline amine and non-ionic surfactant, which is considered to have the same function as a wetting agent, to the adhesive, allowing the cleaner to remain on the adhesive for a period of time to soften and dissolve the adhesive, i.e. wets and penetrates the adhesive, and removing the dissolved adhesive from the floor. (Col 4, lines 1-31 and Col 5, lines 3-56) In any event, one in the art reading Braithwaite, Jr. would use a wetting agent to allow the cleaning agent to dissolve the adhesive material more easily and quickly.

It would have been obvious to one skilled in the art at the time the invention was made to provide a wetting agent in the method of Braithwaite, Jr. to reduce the surface

tension to allow the cleaning agent or solvent to wets and penetrates to soften and dissolve the adhesive residue.

Regarding claims 22-24 and 46, Braithwaite, Jr. discloses the solvent or the alkaline aliphatic amine reagent includes aminoethyl ethanolamine and the non-ionic surfactant, i.e. wetting agent, includes alkenyl alcohols, which is considered to include 2-butoxyethanol. (Col 4, lines 8-11 and Col 5, lines 2-24)

Regarding claim 25, Braithwaite, Jr. discloses the adhesive to be removed includes asphaltic, polyvinyl acetate, and rubber base adhesives. (Col 2, lines 6-9)

Regarding claims 47-49, the alkaline amine reagents as disclosed by Braithwaite, Jr. is considered to have a surface tension of less than 25 dynes. (Col 4, lines 1-31)

Regarding claims 50-52, the non-ionic wetting agents as disclosed by Braithwaite, Jr. is considered to have a surface tension of less than 25 dynes. (Col 5, lines 3-34)

Regarding claims 53-55, the alkaline amine reagents as disclosed by Braithwaite, Jr. is considered to have a boiling point of greater than 160°C. (Col 4, lines 1-31)

Regarding claims 56-58, the non-ionic wetting agents as disclosed by Braithwaite, Jr. is considered to have a boiling point of greater than about 160°C. (Col 5, lines 3-34)

Response to Arguments

3. Applicant's arguments filed October 6, 2004 have been fully considered but they are not persuasive.

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4. In response to applicant's arguments the reference Braithwaite fails to disclose applicant's claimed invention, it is noted claim 21 does not exclude aromatic compounds as a reagent. The only requirement is an alkaline amine reagent, which Braithwaite discloses aminoethyl ethanolamine as one of the reagent, which meets the requirement. (Col 4, lines 8-20)
5. In response to applicant's arguments that the applicant's invention does not include cationic or anionic surfactants, the claims do not exclude the composition from having these surfactants and Braithwaite also discloses non-ionic surfactants such as alkenyl alcohols, which would be considered to be a non-ionic wetting agent.
6. In response to applicant's arguments that the applicant's invention does not include powders to keep the composition from evaporating, the claims do not exclude the composition from having powers.
7. In response to applicant's arguments that all the solvents listed by Braithwaite are hazardous and the applicant does not wish to use due to the hazardous nature of these compounds, the examiner agrees that the solvents are hazardous but the claims do not exclude these compounds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on 571-272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan Sing P
spc

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SUPERVISORY PATENT EXAMINER
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